REMARKS

I.   Status of the Claims

Claims 2-44, 46-62, and 64-77 are rejected. Claims 78-79 are added herein.

Claims 1, 45, and 63 were cancelled previously.

II.   Rejections Under 35 U.S.C. § 103(a)

A.   Rajkumar in View of Thomas

The Examiner rejected claims 2-3, 22, 26-28, 35-36, 38-44, 46-47, 55-56, 60-62,

70-71, and 73-77 "under 35 U.S.C. 103(a) as being unpatentable over Rajkumar (US PG Pub No.

US 2003/0061260 A1) in view of Thomas et al. (US Pat No. 6,301,574 hereinafter Thomas)."

See Office action at pages 2-8. Applicants respectfully traverse these rejections.

Amended claim 39 is directed to a method that includes, among other things, (1)

receiving one or more reservations for use of at least a first subset of a plurality of computing

resources of a distributed computing system, *wherein each of said one or more reservations*

specifies a period of time for use of at least one computing resource and has a corresponding

first monetary cost to a user of said computing resources specified in said reservation; (2)

allocating said first subset of said computing resources for use in accordance with said one or

more reservations; (3) *charging said user said first monetary cost for use of said computing*

resources; (4) *receiving one or more requests for use of at least a second subset of said*

plurality of computing resources of said distributed computing system, wherein each of said

one or more requests specifies a period of time for use of at least one computing resource and

has a corresponding second monetary cost to a user of said computing resource specified in

said request; and (5) determining whether a sufficient amount of one or more unallocated

computing resources are available to fulfill all of said one or more requests, *wherein said one or*

more unallocated computing resources comprises said computing resources of said distributed computing system that are not allocated in accordance with said one or more reservations.

Applicants respectfully submit that Rajkumar, Thomas, and Ahamed, alone or in combination, fail to disclose or suggest at least a method that includes (1) receiving one or more reservations that specify a period of time for use of at least one computing resource *and has a corresponding first monetary cost to a user of computing resources specified in the reservation*, (2) *charging the user the first monetary cost for use of the computing resources*, and (3) receiving one or more requests for use of at least a second subset of the distributed computing system's computing resources, wherein each of the one or more requests specifies a period of time for use of at least one computing resource *and has a corresponding second monetary cost to a user of said computing resource specified in said request*, as recited in amended claim 39. The United States Supreme Court recently reaffirmed that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KRS Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). But here, even a combination of Rajkumar, Thomas, and Ahamed (which Applicants do not concede is proper) would not include each and every limitation of amended claim 39.

Amended claim 74 is directed to a system that includes, among other things, a distributed computing system with a plurality of computing resources and a computing device configured to: (1) receive one or more reservations for use of at least a first subset of the computing resources, *wherein each of said one or more reservations specifies a period of time for use of at least one computing resource and has a corresponding first monetary cost to a user of said computing resources specified in said reservation*; (2) allocate said first subset of

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said computing resources for use in accordance with said one or more reservations; (3) *charge said user said first monetary cost for use of said computing resources*; (4) receive one or more requests for use of at least a second subset of said plurality of computing resources of said distributed computing system, wherein each of said one or more requests specifies a period of time for use of *at least one computing resource and has a corresponding second monetary cost to a user of said computing resource specified in said request*; and (5) determine whether a sufficient amount of one or more unallocated computing resources are available to fulfill all of said one or more requests, *wherein said one or more unallocated computing resources comprises said computing resources of said distributed computing system that are not allocated in accordance with said one or more reservations.*

Applicants respectfully submit that Rajkumar, Thomas, and Ahamed, alone or in combination, fail to disclose or suggest a distributed computing system with a computing device configured to (1) receive one or more reservations that specify a period of time for use of at least one computing resource *and has a corresponding first monetary cost to a user of computing resources specified in the reservation*, (2) *charge the user the first monetary cost for use of the computing resources*, and (3) receive one or more requests for use of at least a second subset of the distributed computing system's computing resources, wherein each of the one or more requests specifies a period of time for use of at least one computing resource *and has a corresponding second monetary cost to a user of said computing resource specified in said request,* as recited in amended claim 74.

Amended claim 44 recites a system that includes, among other things, (1) means for receiving one or more reservations for use of at least a first subset of a plurality of computing resources of a distributed computing system, *wherein each of said one or more reservations*

specifies a period of time for use of at least one computing resource and has a corresponding

first monetary cost to a user of said computing resource specified in said reservation; (2)

means for allocating said first subset of said computing resources for use in accordance with said

one or more reservations; (3) *means for charging said user said first monetary cost for use of*

said computing resources; (4) means for receiving one or more requests for use of at least a

second subset of said plurality of computing resources of said distributed computing system,

wherein each of said one or more requests specifies a period of time for use of at least one

computing resource and has a corresponding second monetary cost to a user of said

computing resource specified in said request; and (5) means for determining whether a

sufficient amount of one or more unallocated computing resources are available to fulfill all of

said one or more requests, *wherein said one or more unallocated computing resources*

comprises said computing resources of said distributed computing system that are not

allocated in accordance with said one or more reservations.

Applicants respectfully submit that amended claim 44 is patentable for at least the

reasons explained above.

Claims 2-3, 22, 26-28, 35-36, 38, 40-43 depend from claim 39, which Applicants

respectfully submit is patentable for at least the reasons explained above.

Claims 46-47, 55-56, 60-62, 70-71, 73-77 depend from claim 74, which

Applicants respectfully submit is patentable for at least the reasons explained above.

B. Rajkumar and Thomas in View of Schweitzer

The Examiner rejected claims 4-21, 29-34, 37, 48-54, 64-69, and 72 "under 35

U.S.C. 103(a) as being unpatentable over Rajkumar (US PG Pub No. US 2003/0061260 A1) and

Thomas et al. (US Pat No. 6,301,574) in view of Schweitzer el al. (US Pat No. 6,418,467 hereinafter Schweitzer)." *See* Office action at pages 8-12. Applicants respectfully traverse these rejections.

Claims 4-21, 29-34, and 37 depend from claim 39, which Applicants respectfully submit is patentable for at least the reasons explained above.

Claims 48-54, 64-69, and 72 depend from claim 74, which Applicants respectfully submit is patentable for at least the reasons explained above.

C.   Rajkumar and Thomas in View of Ahamed

The Examiner rejected claims 23-25 and 57-59 "under 35 U.S.C. 103(a) as being unpatentable over Rajkumar (US PG Pub No. US 2003/0061260 A1) and Thomas et al. (US Pat No. 6,301,574) in view of Ahamed el al. (US Pat No. 5,978,831 hereinafter Ahamed)." *See* Office action at page 13. Applicants respectfully traverse these rejections.

Claims 23-25 depend from claim 39, which Applicants respectfully submit is patentable for at least the reasons explained above.

Claims 57-59 depend from claim 74, which Applicants respectfully submit is patentable for at least the reasons explained above.

D.   Independent Claims 44 and 74

The Office action does not address independent claims 44 and 74 separately from claim 39, although Applicants respectfully note that claims 44 and 74 are separate and distinct from claim 39. Because the Office action does not fully explain the basis for rejection of claims 44 and 74, Applicants respectfully request withdrawal of the § 103 rejections

For at least the aforementioned reasons, Applicants submit that claims 2-44, 46-62, and 64-77 are not obvious in view of any combination of the cited references. Applicants thus respectfully request that the rejections of these claims under 35 U.S.C. § 103 be withdrawn, and that the pending claims be allowed.

III.   Conclusion and Request for Reconsideration

Applicants request reconsideration of the present application in view of the aforementioned amendment and remarks. Although other features of the claims in the present application are also significant, Applicants respectfully submit that the pending claims are allowable for at least the aforementioned reasons. Accordingly, Applicants respectfully request that the rejections under § 103(a) be withdrawn, and that the pending claims be allowed.

In the event that a telephone conference would advance examination of this application, the Examiner is invited to contact the undersigned at the number provided.

IV.   Authorization

Applicants respectfully submit that no fee is due in connection with this paper. But in the event the Commissioner determines that an extension of time or fee is due for this paper, the undersigned hereby petitions for any required extension of time and authorizes the Commissioner to charge any fee required to Milbank's deposit account no. 13-3250, order no. 36287-03400. A DUPLICATE COPY OF THIS PAGE IS ENCLOSED HEREWITH.

Respectfully submitted,
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